



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/085,454  
Applicant(s): David NELMS, Betty SCHICK, Kim WILSON and Roger C. HOCHSCHILD  
For: NON-RECTANGULAR SHAPED CREDIT CARD WITH CASE  
Confirmation No.: 1815  
Customer No.: 26116  
Docket No.: 11677/00801 (DSC-7A)  
Filed: February 27, 2002  
Group Art Unit: 3611  
Examiner: Cassandra Hope Davis

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being sent via facsimile to: (703) 872-9306, ATTN: Office of Petitions, on
May 20, 2005
Date of Deposit
Douglas A. Sorensen
Name of Applicant, Assignee, or Registered Representative

Signature
May 20 2005
Date of Signature

Dear Sir:

**SECOND RENEWED PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. § 120 OF A  
PRIOR COPENDING NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §**

**1.78(A)(3)**

The Applicants hereby submit this second renewed petition under 37 CFR 1.78(a)(3). This renewed Petition is filed in response to the Decision on Petition Under 37 CFR § 1.78(a)(3) mailed May 10, 2005. In the Decision, the prior petition was dismissed for failure to comply with the requirement of 37 CFR 1.78(a)(2)(i) that a nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed applications, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications.

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The prior Amendment filed May 4, 2004, failed to state the relationship of Application No. 29/133,861, filed December 8, 2000, to the instant application. The first substitute amendment erroneously implied that the benefit of U.S. Provisional Application Serial No. 60/306,743 was being claimed under 35 U.S.C. §120. A second substitute Amendment is being submitted concurrently herewith. In the Second Substitute Amendment, the amendment to the specification now states that " This application claims the benefit under 35 U.S.C. §119(e) of U.S. Provisional Application Serial No. 60/306,743, filed July 20, 2001, which is incorporated herein by reference. This application also claims the benefit under 35 U.S.C. §120 of and is a continuation-in-part of Application Serial No. 29/133,861, filed December 8, 2000, now issued U.S. Patent No. D457,556." The only revisions to the amendment filed May 4, 2004, are these references to the prior applications and an explicit statement that new claims 50-52 are within the elected species of this application.

The Applicants hereby renew their petition in accordance with 37 C.F.R. § 1.78(a)(3) to claim the benefit, for this application, under 35 U.S.C. § 120, of prior copending application no. 29/133,861, filed December 8, 2000. Applicants have previously filed an Amendment, Request and Fee to Add To Original Erroneously Not Named Inventors in a Non-Provisional Application to add an inventor to this application. Applicants request granting of this Petition to claim the benefit of the prior copending application. Applicants state that the entire delay between the date the claim for the benefit of the earlier application was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date this claim is filed was unintentional.

Applicants previously submitted a check in the amount of \$1,280.00 for the surcharge fee required by 37 C.F.R. § 1.55(c)(1). Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as

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also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By: 

Douglas A. Sorensen  
Registration No. 31,570  
Attorney for Applicant

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